

### **REMARKS**

This is in response to the Office Action dated December 13, 2006. Applicant has amended the application as set forth above. In more specific, claims 1-3 have been amended. The amendments do not add new matter to the application. Upon the entry of the amendments, claims 1-3 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

#### **Discussion of Rejections under 35 U.S.C. §112, first paragraph**

The Examiner rejected claims 1-3 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

In response, Applicant has amended the specification and the claims as set forth above.

Applicant respectfully submits that the claim amendment and the specification amendment overcome the Examiner's rejection. Applicant respectfully requests withdrawal of this rejection under 35 U.S.C. §112, first paragraph.

#### **Claim Rejections under 35 U.S.C. §102**

The Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Wise et al. (US Patent No. 4,446,950). Applicant respectfully disagrees with the Examiner.

#### **Wise Does not Anticipates Pending Claims 1-3**

Applicant respectfully submits that claims 1-3 are not anticipated by Wise et al.

#### **The Law of Anticipation**

Anticipation under Section 102 can be found only if a reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775 (Fed. Cir. 1985). More particularly, the finding of anticipation requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (Fed. Cir. 1994). "To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim." *Brown v. 3M*, 265 F.3d 1349 (Fed. Cir. 2001).

Disclosure of Wise

Wise discloses a brake control apparatus comprising a valve means, an electrical control means, and a means for opening the valve means, which energize the electrical control means to close the two-way valve means when (a) the vehicle operator releases the accelerator pedal, and (b) the vehicle speed decreases to within a predetermined speed range and thereafter drops below a preselected intermediate speed within the range. (See, e.g., column 1, lines 13-47; claim 1).

Wise Does Not Anticipate Claims 1-3

Claim 1 is directed to an automatic parking brake of an automobile. The features include: the main brake and the parking brake are configured to operate automatically according to the state of the vehicle and the interaction with the driver; the main brake is actuated while the car is traveling and the parking brake is actuated when the car stops; and the parking brake is actuated when the car stops in the AUTO mode or when the car is key-off in the SEMI/AUTO mode.

As discussed above, Wise discloses a brake control apparatus. However, Wise's brake control system is to prevent the vehicle from creeping forward after being braked to a stop, such as at a traffic light. Therefore, actuating the parking brake automatically when the car stops or is key-off is not taught or suggested by Wise et al. Actually, Wise's brake control apparatus are to close the two-way valve means when the vehicle operator releases the accelerator pedal and when the vehicle speed decreases to within a predetermined speed range and thereafter drops below a preselected intermediate speed within the range, where the predetermined speed range is from about 24 miles per hour to 3 miles per hour, and the preselected intermediate speed is about 6 miles per hour. That is, Wise does not teach or suggest to actuate the parking brake (when the speed of the car is zero) automatically.

Also, the Examiner mentioned that the AUTO mode corresponds to the operational mode of the cited reference, and the SEMI/AUTO mode to the anti-theft mode of the cited reference. Applicant respectfully disagrees with the Examiner. The operation mode of the cited reference does not control the parking brake: actually the brake control apparatus is not supposed to work when the speed is zero as can be shown from the predetermined range of speed above. In addition, the SEMI/AUTO mode of the present invention is for actuating the

parking brake for sure when the car is key-off, while the anti-theft mode of the cited reference energizes the anti-theft circuit when an incorrect key is in the anti-theft circuit.

The present invention is for actuating the main and parking brakes automatically without a specially operation by the driver other than depressing or releasing the brake pedal conventionally. In contrast, the cited reference is for preventing the vehicle from creeping forward by controlling a creep control valve, and does not teach or suggest to control the parking brake automatically. The cited reference is not interested in the situation in which the car is stopped or parked. The zero speed is not even in the predetermined range of speed for energizing the brake control apparatus. (See, e.g., claims 1 and 2).

In view of foregoing, Wise does not anticipate claims 1-3. Applicant respectfully requests withdrawal of the rejections.

#### Dependent Claims

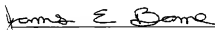
Although applicant has not addressed all the issues of the dependent claims, applicant respectfully submits that applicant does not necessarily agree with the characterization and assessments of the dependent claims made by the examiner, and applicant submits that each claim is patentable on its own merits. Claims 2 and 3 are dependent directly on claim 1. Therefore, Applicant respectfully requests prompt allowance of the claims.

#### Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that claims 1-3 are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectively submitted,

Date: May 14, 2007

  
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